

HOUSE BILL NO. 341

INTRODUCED BY C. YOUNKIN

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING A PENALTY FOR FAILURE TO COMPLY WITH SPECIFICATIONS FOR PARKING SPACES RESERVED FOR DISABLED MOTORISTS; PROVIDING THAT EACH DAY THAT THE VIOLATION OCCURS CONSTITUTES A SEPARATE OFFENSE; REQUIRING THE OFFENDER TO PAY ANY COURT COSTS ASSOCIATED WITH THE VIOLATION; AND AMENDING SECTION 49-4-302, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 49-4-302, MCA, is amended to read:

"49-4-302. Privileges of permitholder -- privilege for disabled veteran -- exemptions from time limits -- requirements for special parking spaces -- penalty. (1) The parking permit issued under this part, when displayed, entitles a person to park a motor vehicle in a special parking space reserved for a person with a disability, whether on public property or on private property available for public use, when the person for whom the permit was issued is using the special parking space to enter or exit the vehicle.

(2) A vehicle may not be parked in a parking space on public or private property that is clearly identified by an official sign as being reserved for use by a person with a disability unless:

(a) the vehicle is lawfully displaying a parking permit issued under this part, a distinguishing license plate or placard for a person with a disability that was issued by a foreign jurisdiction conferring parking privileges similar to those conferred in subsection (1), or a specially inscribed license plate issued under 61-3-332(10)(c)(i)(A) or (10)(g) or 61-3-426(2); and

(b) the reserved parking space is being used by the person for whom the permit, plate, or placard was issued to enter or exit the vehicle.

(3) The governing body of a city, town, or county may exempt vehicles lawfully displaying parking permits issued under this part and vehicles lawfully displaying specially inscribed license plates issued under 61-3-332(10)(c)(i)(A) or (10)(g) or 61-3-426(2) and parked in public places along public streets from any time limitation imposed upon parking, except in areas where:

(a) stopping, standing, or parking of all vehicles is prohibited;

1 (b) only special vehicles may be parked; or

2 (c) parking is not allowed during specific periods of the day in order to accommodate heavy traffic.

3 (4) In accordance with subsection (2), the governing body of a city, town, or county or an
4 appropriate state agency, ~~may impose all, but not less than all, of the following requirements~~ with respect
5 to any special parking space ~~constructed after September 30, 1985, and reserved for a person with a~~
6 disability or a permitholder on ways of this state open to the public, as defined in 61-8-101, shall comply
7 with the following:

8 (a) The space must be located on a smooth, level surface as near as practicable to building
9 entrances or walkways that have curb cuts and appropriately designed ramps and access lanes to
10 accommodate wheelchairs.

11 (b) If parallel to curbside, the parking space must be separated from an adjacent space, either in
12 the front or the rear, by at least 5 feet of striped no-parking area.

13 (c) If at an angle to curbside, the parking space must be at least 8 feet wide and free of
14 obstruction if located at the end of a line of angle parking spaces, and each other angle parking space
15 designated for a person with a disability must be at least 13 feet wide.

16 (d) A parking space reserved for a person with a disability must be designated by a sign showing
17 the international symbol of accessibility, indicating that a permit is required, and stating the penalty for
18 a violation. In order to meet the penalty statement requirement, signs existing on October 1, 1993, must
19 have attached a decal stating the penalty for a violation. The sign must be attached to a wall or post in
20 a way that it is not obscured by a vehicle parked in the space.

21 (5) Failure to comply with any of the provisions of subsection (4) is punishable by a fine of not
22 more than \$500 for each day that the violation continues. The entity found in violation of any of the
23 provisions of subsection (4) is also responsible for payment of any court costs associated with the
24 violation."

25 - END -